

THURSDAY, MARCH 24, 1988

SEVENTY-FOURTH LEGISLATIVE DAY

The House met at 9:00 A.M. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Emerson Wiles, First Baptist Church, Fayetteville, Tennessee, guest of Representative Clarence W. Phillips.

Representative Clarence W. Phillips led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present ..... 97

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

The Speaker announced that Representative Tankersley was excused because of personal business.

REGULAR CALENDAR

**House Bill No. 1894** -- Divorce and Annulment -- Directs court to consider certain provision of law when entering orders or decrees for support and maintenance of spouse and children. Amends TCA 36-5-101.

On motion, House Bill No. 1894 was made to conform with Senate Bill No. 1584.

• On motion, **Senate Bill No. 1584**, on same subject, was substituted for House Bill No. 1894.

Rep. Bushing moved passage of Senate Bill No. 1584 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes.....	0

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 1893** -- Taxes, Tobacco -- Allows tobacco wholesalers and jobbers to use certificate of deposit as collateral for tobacco tax in lieu of corporate surety bond. Amends TCA, Title 67, Ch. 4, Pt. 10.

On motion, House Bill No. 1893 was made to conform with Senate Bill No. 2025.

On motion, **Senate Bill No. 2025**, on same subject, was substituted for House Bill No. 1893.

Rep. Bushing moved passage of Senate Bill No. 2025 on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	98
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

**PRESENT IN CHAMBER**

Rep. Joe May was recorded as being present in the Chamber.

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**House Bill No. 2033 -- Planning, Public -- Creates Greater Nashville Regional Council as continuation of Mid-Cumberland Council of Governments and Mid-Cumberland Development District. Amends TCA, Title 64, Ch. 1.**

Rep. Bushing moved that House Bill No. 2033 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2033 by deleting the language in Section 1 in its entirety and by substituting instead the following language:

**SECTION 1.** Tennessee Code Annotated, Title 64, Chapter 1, is amended by adding the following as a new Part 9:

**Section 64-1-901. Creation - Purpose.**

(a) There is hereby created and established the Greater Nashville Regional Council, being a public body corporate and politic created on behalf of the counties of Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, and Wilson counties, Tennessee and all incorporated municipalities and metropolitan governments located within these counties.

The general assembly hereby finds that it is necessary and desirable to create and establish the Greater Nashville Regional Council and empower said regional council with the duties, powers and authority set forth in this part, based in part on the finding of the general assembly as follows:

(1) The local governments comprising the regional council have experienced and are projected to experience continued rapid growth of residential, commercial and industrial development which growth mandates coordination of planning, economic development and projects by and between local governments;

(2) This growth results in part from the location of major national and international industries and manufacturing facilities within the region including support and corollary industries;

(3) The local governments within the region must plan, finance and implement projects such as construction and upgrading of roads, highways and infrastructure as a direct result of increased demand attributable to growth within the region much of which crosses local government jurisdictional boundaries; and

(4) It is in furtherance of the public policy of the state of Tennessee to create the regional council for the purpose of assuring continued growth and development in a manner that will preserve, protect and enhance the special quality of life indigenous to Tennessee. It is the further intent of

the general assembly that the provisions and intent of this part be liberally construed.

(b) The regional council established pursuant to this part shall supersede and shall be established in lieu of the Mid-Cumberland Development District previously established pursuant to the provisions of Title 13, Chapter 14, Part 1, Tennessee Code Annotated, the "Development District Act of 1965" and that the regional council established pursuant to this part shall also supersede and be established in lieu of the Mid-Cumberland Council of Governments established by agreement of the local governments pursuant to the provisions of Title 12, Chapter 9, Part 1, Tennessee Code Annotated, the "Interlocal Cooperation Act." It is the intent and purpose of the general assembly to establish said regional council with the powers and duties set forth herein in lieu of and in substitution of the Mid-Cumberland Development District and Mid-Cumberland Council of Governments; provided, however, that all funding provided to the Mid-Cumberland Development District pursuant to Section 13-14-111, Tennessee Code Annotated, as amended, shall now and hereafter be provided to the regional council in the amount and manner as set forth in Section 13-14-111, as amended.

(c) The regional council is created and established for the purpose of regional planning, economic development, and interlocal agreements and cooperation for the geographical area embracing the above counties and incorporated municipalities located therein (hereinafter referred to as the "region").

(d) The regional council's role in regional planning, economic development, and interlocal agreements and cooperation shall include the coordination of these activities and programs with those of other federal, state, and local planning and development agencies.

Section 64-1-902. Definitions. Whenever used in this part unless a different meaning clearly appears in the content, the following terms, whether used in the singular or plural, shall be defined as follows:

(a) "City, large" means any city having a population of fifty thousand (50,000) or more.

(b) "City, small" means a city with a population of less than fifty thousand (50,000).

(c) "Comprehensive plan or general plan" means a general, broad based long range plan or document which formulates policies and proposals to guide the growth and development of a local government. Such plans address functional elements including, but not limited to, future land use; improvements to transportation systems, community facilities and infrastructure; as well as providing a capital improvements program and budget for implementation of these proposed improvements.

(d) "Infrastructure" means the basic network of public utilities and access facilities that support and promote land development. Water and

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sewerage system elements; storm drainage systems; roads, streets and highways; railroads; gas and electric transmission lines; telecommunications networks and solid waste disposal sites and/or similar public facilities shall be included in this definition.

(e) "Local Government(s)" means Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson and Wilson counties and all incorporated municipalities and metropolitan governments located within these counties.

(f) "Public Agency" means the regional council, any political subdivision of this state, any agency of the state government or of the United States, and any political subdivision of another state.

(g) "Regional Council" means the Greater Nashville Regional Council created by this part.

(h) "Regional impact project" means

(1) Any commercial, residential, industrial, recreational or public facility building or development, the construction or expansion of which is proposed to be located in more than one (1) local government jurisdiction and/or where the construction or expansion of the building or development is expected by the local government or by the regional council to have infrastructure impacts upon two (2) or more government jurisdictions.

(2) Upon determination that the proposed location, construction or expansion of a building or development is expected by the local government or by the regional council to have infrastructure impacts upon two (2) or more local government jurisdictions, additional quantitative measures are herein provided for general reference in the determination of regional impact projects, and are not all inclusive, but shall include, any commercial or industrial building or development aggregating two hundred fifty thousand (250,000) or more square feet of floor area; any residential development of two hundred fifty (250) or more dwelling units; any recreational or public facility building or development which will generate fifteen thousand (15,000) or more additional vehicle trips per day; and any infrastructure project having the installation of water lines of greater than six (6) inches in diameter, sewer lines greater than eight (8) inches in diameter or road improvements which provide or increase capacity by fifteen thousand (15,000) or more vehicles per day. The applicability of these measures in the determination of regional impact projects will vary somewhat with the location of the proposed project, but should be used by the local government jurisdictions and/or the executive committee in making such determinations. Other quantitative measures as determined by the Executive Committee may be utilized in determining regional impact projects.

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Section 64-1-903. Term of Office - Officers - Meetings - Council. (a)  
The regional council shall be composed of and governed by the following:

- (1) County executive of each county within the region;
- (2) Mayor of each municipality within the region;
- (3) Chief executive officer of any metropolitan government within the region;
- (4) One (1) representative from a local agency in each county dealing with problems of industrial development or promotion appointed by the county executive;
- (5) One (1) state senator selected from and by those senators whose districts are wholly or in part within the region;
- (6) One (1) state representative selected from and by those representatives whose districts are wholly or in part within the region; and
- (7) Additional members to be appointed by the regional council in the manner necessary to comply with such state and federal programs that the regional council is empowered to administer or to operate, to the extent legally permissible.

(b) The terms of office of the regional council shall be as follows:

- (1) State senator and representative shall serve on the council for two (2) years or until they leave the general assembly, whichever occurs first.
- (2) All members of the regional council who are elected officials shall serve for four (4) years or until they cease to occupy the elected position entitling them to membership, whichever occurs first.
- (3) All members of the regional council who are appointed by an elected official shall serve for four (4) years or until the expiration of the term of the official by whom such representative was appointed, whichever occurs first.
- (4) Members may be reappointed.
- (5) A member ceases to belong to the regional council as soon as that member is no longer a member of the general assembly, the county executive, the mayor, the chief executive officer of any metropolitan government, or is an appointee of a person who no longer holds an elected position.

(c) The officers of the regional council shall be as follows:

- (1) The officers of the regional council shall be a president, vice president, and treasurer who shall be elected annually from and by the regional council membership at the annual meeting.

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- (2) The officers shall serve a term of one (1) year.
- (3) Officers may be reelected.
- (4) In the event of death or permanent disability of any of the aforementioned officers, the vacancy shall be filled by a vote of the executive committee for the unexpired term of the officer for the office that was so vacated.
- (d) The regional council shall meet annually. The time and place of the annual meeting shall be determined by the executive committee. The meeting shall be held in the fourth (4th) quarter of the federal fiscal year for the purpose of electing officers, reviewing programs of the council, adoption of annual work program and budget, and other items which may be necessary to the operation of the regional council.

**Section 64-1-904. Executive Committee - Membership - Officers and Term of Office - Meetings.**

- (a) At the annual meeting the regional council shall appoint an executive committee which shall be empowered to perform as the administrative body of the regional council and shall be empowered by the regional council to act in its stead.
- (b) The membership, officers, and term of office of the executive committee shall be as follows:
  - (1) The three (3) persons who serve as officers of the regional council shall also serve in that same capacity for the executive committee.
  - (2) The two (2) representatives who serve on the regional council by virtue of their election to the general assembly.
  - (3) One (1) person selected by caucus from each county.
    - (A) Each county shall annually caucus in July and select a person to represent that county on the executive committee.
    - (B) The person selected must be chosen from among each county's representatives on the regional council.
    - (C) The membership eligibility is governed by the same rules as govern membership on the regional council.
    - (D) The person selected shall serve for a period commencing the day of the annual meeting and ending no later than one (1) day prior to the next succeeding annual meeting.
  - (4) Additional members to be appointed by the regional council in the manner necessary to comply with such state and federal programs that the regional council is empowered to administer or to operate, to the extent legally permissible.

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(5) Two (2) at-large representatives. One (1) shall be a mayor from a large city and the second the mayor from a small city and shall be appointed by the president.

(6) A designated alternate may be named to serve in the absence of the selected representative.

(c) The executive committee shall meet monthly or by their vote call for special meetings and for deferring of meetings.

(d) Travel or per diem expenses may be paid to members of the executive committee, except to those members of the general assembly of the state of Tennessee. The senator and representative shall receive no additional compensation, other than that which they may receive from the travel and per diem expenses from their respective houses of the general assembly for their service on the executive committee.

Section 64-1-905. Uniform Accounting System. The regional council shall establish and maintain the uniform accounting system as developed by the comptroller of the treasury and approved by the commissioner of finance and administration in compliance with the provisions of Section 13-14-108, Tennessee Code Annotated, as amended, as they relate to development districts.

Section 64-1-906. Financing. It is the intent of the state to assist financially with the development of powers and functions of the regional council and for coordination of activities under this part, therefore, all funding presently provided to the Mid-Cumberland Development District pursuant to Section 13-14-111, Tennessee Code Annotated, as amended, shall be provided to the regional council in the amount and in the manner provided for in Section 13-14-111, as amended, but shall not be limited to such funding.

Section 64-1-907. Reporting and Auditing.

(a) The regional council shall prepare an annual report of its activities through June 30 of each year, and submit a copy of such report to the governor, the general assembly, and the commissioner of finance and administration.

(b) (1) The annual reports and all books of accounts and financial records of all funds received by grant, contract or otherwise from state, local, or federal sources shall be subject to audit annually by the comptroller of the treasury. The audit may be performed by a licensed independent public accountant selected by the regional council and approved by the comptroller. The cost of any audit shall be paid by the regional council.

(2) The comptroller of the treasury shall ensure that audits are prepared in accordance with generally accepted governmental auditing standards and determine if the audits meet minimum audit standards prescribed by the comptroller. No audit may be accepted as meeting the requirements of this section until approved by the comptroller.

(3) All audits shall be completed as soon as practicable after the end of the fiscal year of the regional council. One (1) copy of each audit shall be furnished to each member of the regional council and the comptroller of the treasury. Copies of each audit shall also be made available to the press.

(4) All audits performed by the internal staff of the regional council shall be conducted in accordance with the standards established by the comptroller of the treasury pursuant to Section 4-3-304(9), Tennessee Code Annotated, as amended.

Section 64-1-908. Appropriating Funds Subject to Approval - Matching Funds Required.

(a) Funds appropriated to implement the provisions of this part are subject to the approval of the governor and the commissioner of finance and administration.

(b) Such approval shall be given only after review by the office of the governor of the annual work program developed by the regional council to assure that such program is in accordance with the development plans of the state.

(c) These funds or portions thereof shall be paid only upon certification by the appropriate official of the regional council that matching local funds are available.

Section 64-1-909. Bond Requirements.

(a) Any regional council member, executive committee member, employee, officer, or any other authorized person of the regional council, who receives public funds, has authority to make expenditures from public funds, or has access to any public funds is hereby required to give bond to be made payable to the state of Tennessee with such sureties as hereinafter provided. Such bond is to be conditioned in all cases in which a different condition is not prescribed, upon the faithful discharge of any part thereof.

(b) Such official bond shall be executed in the same form as that prescribed by Section 8-19-101, Tennessee Code Annotated, as amended, for county and state officials and employees.

(c) The amount of such required bond shall be a reasonable amount as determined by the amount of public funds received, expended, or the amount to which such person had access during the previous fiscal year. In the case of a new office or position, the amount of such bond shall be reasonable to protect the public from breach of the condition of faithful discharge of the duties of such office or position, when the amount of public funds to be received, expended, or to which that person will have access is considered.

(d) All such official bonds shall be signed by authorized individuals of a corporate surety, and such corporation shall be duly licensed to do business in the state of Tennessee as a surety.

(e) The official bonds required under this section are hereby required to be transmitted to the comptroller of the treasury, be filed in his office, and be receipted for by him.

(f) No examination or certification of any such bonds shall be required in this section.

(g) Provisions for bonds of all state and county officers set forth in Title 8, Chapter 19, Tennessee Code Annotated, as amended, shall also govern the bonds of all persons covered under this section, so far as the provisions of Title 8, Chapter 19, Tennessee Code Annotated, as amended, are not inconsistent with the provisions of this section.

(h) The regional council shall pay the premiums for such bonds.

Section 64-1-910. Powers and duties.

(a) The regional council shall have the following powers and duties:

(1) To organize itself into a public body, elect its officers, adopt bylaws for purposes of carrying out functions authorized under this part;

(2) To receive and expend funds from any sources for staffing, for research, planning, coordination, economic development, demonstration projects, and other activities deemed necessary to promote the efficient, harmonious and economic development of the region, to receive grants from private foundations for purposes of research and for demonstration projects oriented to human, physical and natural resources utilization;

(3) To contract with local, state and federal agencies, and with consultants for services to be provided;

(4) To prepare broad plans for the economic development of the region including but not limited to comprehensive land use and plans for physical development; such plans shall be made with the purpose of guiding and accomplishing a coordinated, adjusted, efficient and economic development of the region which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and welfare of the citizens, as well as efficiency and economy in the process of development, and may include distribution of population, urbanization, and the uses of land and resources for trade, industry, recreation, forestry, agriculture, and tourism, which will tend to create conditions favorable to transportation, health, safety and otherwise promote the general welfare of the citizens, including the design and layout of industrial parks and feasibility studies for extension of utilities and services to areas deemed suitable for industrial development;

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(5) To cooperate and coordinate its activities with the local and state planning agencies and with development districts in developing and implementing plans for development;

(6) To cooperate and coordinate its activities with the federal agencies responsible for developing natural, human and physical resources of the region; recommend projects which will enhance the development of all resources, to be carried out through existing governmental units or through a combination of these as applicable under state laws, including but not limited to the Area Redevelopment Program and the Economic Opportunity Act;

(7) To cooperate with local and regional finance companies in assembling financial resources for commercial, industrial and other development;

(8) To compile, prepare, publish and disseminate information about the economic resources of the region and about sub-areas;

(9) To encourage and assist in the creation of private and semipublic, nonprofit organizations as needed and under existing laws of the state for carrying out specific projects and programs initiated under federal and state laws;

(10) To enter into compacts and contractual arrangements with planning agencies of other adjoining or neighboring states, for the purpose of preparing joint, comprehensive plans for development of a broader area or region and the regional council is hereby expressly authorized to expend funds for interstate planning, notwithstanding the fact that in doing so portions of such funds may be used for planning work outside of the state boundary;

(11) The regional council shall assume and perform all duties, powers, functions, and obligations and shall be entitled to all rights under all contracts and agreements to which the Mid-Cumberland Development District and the Mid-Cumberland Council of Governments is a party, including all funding and compensation due under said contracts and agreements, including, but not limited to, all state and federal grants and programs;

(12) The regional council shall have the power to contract with any other public agency singly or jointly to implement and administer public agency plans and to operate public agency programs and projects and any other public agency shall have the power to contract with the regional council to implement and administer its plans and to operate its projects;

(13) The regional council members, non-members, local governments, units of the state and federal governments, quasi-governmental agencies or citizens of the region may bring matters involving intergovernmental cooperation to the attention of the regional council for discussion and possible recommendation;

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(14) The regional council may initiate and/or request studies deemed necessary by the executive committee or the full regional council to further understanding of any matters or problems under consideration by the regional council;

(15) The regional council may establish or designate any such committees, technical committees or advisory groups it deems necessary to assist the carrying out of its purposes and functions;

(16) The regional council may accept contributions of funding and other assistance from (i) other public agencies and (ii) from private individuals, agencies, foundations, institutions, organizations, companies, and/or corporations to further the planning or implementation functions described herein and directed by the executive committee and the regional council shall not accept such private contributions when and if the contribution may be determined by the executive committee to be an effort to influence the regional council's actions, recommendations, or plans; and

(17) To have and exercise other authority as deemed necessary to further and promote the orderly and economic development of the state.

(b) The regional council shall have powers and duties that enable it to function as a catalyst in the implementation of projects which are planned by or for the regional council or are for the benefit of a portion of the member local governmental units of the regional council. The regional council as a public agency and any one (1) or more local governments within the region as public agencies may join together to exercise their powers in the following manner:

(1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the power or powers, privilege or authority, and jointly with any public agency of any other state or the United States to the extent that laws of such other state or of the United States permit such joint exercise or enjoyment. Any agency of the state government when acting jointly with any public agency may exercise or enjoy all the powers, privileges and authority conferred by this part upon a public agency. The authority for joint or cooperative action of political subdivisions shall apply only to such powers, privileges or authority vested in their governing bodies, and no joint or cooperative agreement shall be entered into affecting or relating to the constitutional or statutory powers, privileges or authority of officers of political subdivisions, or of agencies of political subdivisions having powers granted by statute independent of the governing body.

(2) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this part. Appropriate action of the governing bodies of the participating public agencies by resolution or otherwise pursuant to law shall be necessary before any such agreement may enter into force.

(3) Any such agreement shall specify the following:

(A) Its duration;

(B) The precise organization, composition, and nature of any separate legal or administrative entity or entities created thereby, which may include, but not be limited to, a corporation not for profit, together with the powers delegated thereto;

(C) Its purpose or purposes;

(D) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor;

(E) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and

(F) Any other necessary and proper matters.

(4) In the event that the agreement does not establish a separate legal entity or entities to conduct the joint or cooperative undertaking, the agreement shall, in addition to subdivisions (A)-(F) enumerated in subsection (3) hereof, contain the following:

(A) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking and in the case of a joint board, public agencies party to the agreement shall be represented; and

(B) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking.

(5) No agreement made pursuant to this chapter shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity or entities created by an agreement made hereunder, those performances may be offered in satisfaction of the obligation or responsibility.

(6) Financing of joint projects by agreement shall be as provided by law.

(7) In the event that an agreement entered into pursuant to this part is between or among one (1) or more public agencies of this state and one (1) or more public agencies of another state or of the United States, the agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the state may maintain an action to recoup or

otherwise make itself whole for any damages of liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the state.

(8) In the event that an agreement made pursuant to this part shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the state government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction.

(9) Any public agency entering into an agreement pursuant to this part may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

(10) Any one (1) or more public agencies may contract with any one (1) or more public agencies to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform, provided that such contract shall be authorized by the governing body of each party to the contract. Such contract shall set forth fully the purposes, powers, rights, objectives, and responsibilities of the contracting parties. Contracts entered into pursuant to this section need to conform to the requirements set forth in this chapter for contracts for joint undertakings.

(11) Nothing in this part shall prohibit any public agency from contracting with other public agencies under the provisions of existing statutory or charter authority.

(c) The regional planning function of the regional council shall be broadly interpreted from the functions in subsections (a) and (b) and shall also include specifically the following functions:

(1) Developing, amending, and re-drafting regional goals, strategies, policy, standards and plans for the region which goals, strategies, standards and plans may consist of but are not limited to a combination of the following elements: land use, transportation, water, sewer, solid waste, recreation and open space, housing, and environmental concerns.

(2) Reviewing and making recommendations on all comprehensive or general plans or major elements thereof developed by the local governments after the enactment of these provisions to ensure compatibility and consistency with regional goals, policies, strategies, standards and plans adopted by the regional council which plans by the local governments shall include, but not be limited to, existing and future land use, functional transportation plan, public facilities plan to include water and sewer plans, capital improvements programs and budgets.

(3) Reviewing all grant and loan requests from local governments or other organizations or agencies within the jurisdiction of the local governments to the state and federal governments and submitting recommendations and comments on these requests where appropriate as authorized previously by executive order of the governor.

(4) Reviewing all regional impact projects.

(5) Planning for any regional cooperative infrastructure projects, and acting as a catalyst in the implementation of these projects by planning for these projects, assisting in the structuring of financing and financial arrangements, and assisting in the formation of institutional arrangements for the construction and operation of these facilities.

(6) Calling for public hearings for the purpose of citizen participation on any of the above within the discretion of the executive committee or to resolve conflict between and among entities of local governments on any of the above, or to resolve conflicts between the regional council and any local government effected by a regional goal, policy, standards and plan.

(d) The review process as outlined in (c)(2) and (3) are mandatory reviews and the executive committee shall issue comments and/or recommendations to the local governments, state government or federal government as to the findings of these reviews. The comments and/or recommendations of the executive committee shall not be binding on these governmental units, but shall be viewed as advisory as are those of other reviewing bodies such as local planning commissions. Review by the executive committee of items in (c)(2) and (3) shall be based on the regional council's adopted regional goals, strategies, policies, standards and plans.

(e) The review process as outlined in (c)(4) may be initiated by any of the following means:

(1) A mayor or county executive and/or legislative body whose city or county will be impacted by the project can request the review in accordance with procedures established by the executive committee;

(2) The planning staff of any jurisdiction in which the project is proposed to be located, and/or the planning commission which has jurisdiction over the review, recommendation, or approval of the project;

(3) The executive committee may request review of the proposed project; or

(4) Any agency, commission or department of the state of Tennessee, adjoining state or federal government may request the regional council to review the project.

(f) The executive committee's review, comments and/or recommendations regarding a regional impact project will be based on compatibility and consistency with regional goals, policies, strategies, and plans, and it will also be based on an analysis of the probable impacts of the regional impact project. The impact analysis is designed to be an aid and an information source for mayors, county executives, planning staffs, local planning commissions, city councils, and boards of county commissioners, state and federal agencies, commissions, and departments in their evaluations of a project and an aid for adjacent jurisdictions to coordinate and plan for impacts that are created by these projects.

(g) The review and recommendations process as outlined in (c)(3) and (4) shall be completed by the executive committee within a maximum of thirty (30) days after its submission to the executive committee. Projects, grants, and loan applications will be placed on the executive committee's next available agenda when received by the executive committee if the project, grant, or loan application is received within fifteen (15) days of the meeting. If the project, grant or loan application is received by the executive committee less than fifteen (15) days prior to its next meeting, it will be placed on the agenda of the next subsequent meeting. If the executive committee fails to respond to a project, grant, or loan application by failing to make a review and recommendation or fails to call for a public hearing within the thirty (30) days after its submittal, it is deemed acceptable or of no regional impact. The thirty (30) day review period may be extended, if the executive committee finds it is appropriate to do so in the public interest in order to conduct a public hearing. The review and recommendation of the executive committee on regional impact projects is an advisory function only. The ability to approve, modify or disapprove a regional impact project is wholly and completely within the jurisdiction of the local government in which the project is proposed to be located.

Section 64-1-911. Limitations on Powers and Duties of Regional Council. The following are limitations on the powers and duties of the regional council:

(a) All plans shall be advisory only;

(b) No authority is hereby granted to enact zoning ordinances or subdivision standards;

(c) No authority is hereby granted such that would supplant or in any way interfere or supersede the planning and development authority granted cities and counties under other applicable state statutes;

(d) Plans prepared under this part must reflect goals and objectives for harmonious development of the region and in the case of highways must be in accordance and coordinated with plans of the Tennessee department of transportation and of the state planning office;

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(e) Plans prepared under this part shall be transmitted to all governmental bodies in the region, and these may be adopted as their own for purposes of planning and development;

(f) No authority is hereby granted for the exercise of the power of eminent domain;

(g) No authority is hereby granted to regulate the agricultural or other use of land; and

(h) No votes may be cast by proxy and only duly appointed members of the regional council may vote.

**Section 64-1-912. Travel Regulations.** The regional council shall adopt and operate under the following:

(a) Subject to the approval of the commissioner of finance and administration adopt statewide uniform travel regulations and the regional council shall reimburse its officers and employees for official travel in conformance with such regulations;

(b) Develop a system of competitive bidding on purchases of supplies and equipment and other contracts and shall submit the written procedures governing such system to the state board of standards for approval;

(c) Develop written personnel procedures to be filed with the commissioner of finance and administration for the hiring, promotion, demotion and dismissal of all employees and shall include an employee compensation plan based on a salary comparability analysis which takes into account state salary schedules, local government salary schedules, and regional private market variations; and

(d) Submit, annually, to the chairmen of the finance, ways and means committees of the senate and house of representatives a work program and budget.

**AND FURTHER AMEND** by renumbering existing Section 2 as Section 3 and by adding a new Section 2 as follows:

**SECTION 2.** If any section or specific provision of this part is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section or provision of this part except the provision in question. The other portions of this part not affected by the decision of the court shall remain in full force and effect.

On motion, the amendment was adopted.

Thereupon, Rep. Bushing moved that House Bill No. 2033, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. ....	95
Noes. ....	0
Present and not voting. ....	2

Representatives voting aye were: Bell, Bewley, Bivens, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Bragg, Nance -- 2.

A motion to reconsider was tabled.

**House Bill No. 1453 -- Criminal Offenses -- Makes injuries inflicted while intoxicated and operating a motor vehicle aggravated assault. Amends TCA, Title 39, Ch. 2.**

Rep. Jackson moved that House Bill No. 1453 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1453 by deleting from the first sentence of Section 1 the phrase

"Attempts to cause or".

On motion, the amendment was adopted.

Thereupon, Rep. Jackson moved that House Bill No. 1453, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	96
Noes. ....	0

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Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 1898** -- Correction, Dept. of -- Deletes requirement that department notify Senate and House State and Local Government Committees of furloughs granted. Amends TCA 41-21-227.

On motion, House Bill No. 1898 was made to conform with Senate Bill No. 1445.

On motion, **Senate Bill No. 1445**, on same subject, was substituted for House Bill No. 1898.

Rep. Miller moved that the Senate Bill No. 1445 be passed on third and final consideration.

Rep. Buck moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1445 by deleting SECTIONS 1 and 2 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 41-21-227, is amended by deleting from item (2) of subsection (h) the words "house and senate state and local government committees" and substituting instead the words "select oversight committee on correction".

Section 2. Tennessee Code Annotated, Section 41-21-227, is further amended by deleting from item (4) of subsection (i) the words "house and senate state and local government committees" and substituting instead the words "select oversight committee on correction".

On motion, the amendment was adopted.

Thereupon, Rep. Miller moved that Senate Bill No. 1445, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. ....	97
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitton, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**House Bill No. 1817 -- Workers' Compensation --** Makes employer liable to any employee who is injured while rendering assistance at accident. Amends TCA 50-6-103.

Rep. Buck moved that House Bill No. 1817 be passed on third and final consideration.

Rep. Ellis moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1817 by inserting the phrase "while engaged in on or about his employers' work," between the words "to an employee who," and "suffers disablement".

On motion, the amendment was adopted.

Thereupon, Rep. Buck moved that House Bill No. 1817, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	82
Noes. ....	13
Present and not voting. ....	2

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber,

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Love, Miller, Montgomery, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 82.

Representatives voting no were: Bewley, Davis (Knox), Good, Harrill, Henry, Holcomb, Long, May, McAfee, Moody, Robinson (Washington), Stafford, Turner, L. (Shelby) -- 13.

Representatives present and not voting were: Lawson, Yelton -- 2.

A motion to reconsider was tabled.

**House Bill No. 2183 -- Firemen --** Revises certain provisions relative to supplemental salary bonus of certain firefighters. Amends TCA, Title 4, Ch. 24; Title 56, Ch. 4.

Rep. Miller moved that House Bill No. 2183 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2183 by deleting Section 5 in its entirety and substituting a new Section 5 to read:

**SECTION 5.** Tennessee Code Annotated, Section 56-4-205, is amended by adding a new subsection thereto, as follows:

( ) From the revenues generated by the premium tax on fire insurance levied by this section, a sum sufficient shall be earmarked for the payment of the supplemental income bonus, in an amount not to exceed \$450, to eligible firefighters by the commission on firefighting personnel standards and education pursuant to chapter 24 of title 4.

On motion, the amendment was adopted.

Thereupon, Rep. Miller moved that House Bill No. 2183, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron,

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Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**House Bill No. 2332 -- Salaries and Benefits --** Removes requirement of six months continuous employment for former employees to reestablish sick leave previously accumulated. Amends TCA 8-50-101.

Rep. Miller moved that House Bill No. 2332 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	87
Noes. ....	6
Present and not voting. ....	1

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Garrett, Harrill, Hassell, Hawkins, Head, Herron, Hillis, Hobbs, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 87.

Representatives voting no were: Bewley, Chiles, Good, Henry, McAfee, Stafford -- 6.

Representative present and not voting was: Holcomb -- 1.

A motion to reconsider was tabled.

**\*House Bill No. 2412 -- Highways, Roads and Bridges --** Provides directional signs to Hartsville.

On motion, House Bill No. 2412 was made to conform with Senate Bill No. 2446.

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On motion, **Senate Bill No. 2446**, on same subject, was substituted for House Bill No. 2412.

Rep. Wix moved passage of Senate Bill No. 2446 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 1553 -- Safety -- Creates Tennessee OSHA advisory council. Amends TCA, Title 50, Ch. 3.**

Rep. Davidson moved that House Bill No. 1553 be passed on third and final consideration.

Rep. Davidson moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1553 by deleting in Section 1, subsection (b)(1) the words and numbers "five (5)" and substituting instead the words and numbers "six (6)".

AND FURTHER AMEND by adding the following after the period in Section 1, subsection (b)(2):

• The governor shall select three (3) of the members from a list provided by the Tennessee AFL-CIO and three (3) of the members from a list provided by the Tennessee association of business.

AND FURTHER AMEND by deleting in Section (1)(b)(3) the language "one (1) member to serve for a period of three (3) years" and substitute instead the language "two (2) members to serve for a period of three (3) years".

On motion, the amendment was adopted.

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Thereupon, Rep. Davidson moved that House Bill No. 1553, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	96
Noes. ....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

Representative voting no was: Chiles -- 1.

A motion to reconsider was tabled.

**House Bill No. 2040 -- Highways, Roads and Bridges -- Provides for directional signs on I-240 in Shelby County.**

Rep. U. Jones (Shelby) moved that House Bill No. 2040 be passed on third and final consideration.

Rep. Robinson (Davidson) moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2040 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Notwithstanding the provisions of Tennessee Code Annotated, Section 54-5-108, to the contrary, the commissioner of transportation is directed to appropriately erect signs indicating that Interstate Highway I-240 in Shelby County is the Martin Luther King Expressway. Such signs shall be erected in each direction at the Chelsea Avenue exit, the South Parkway exit, and the Interstate Highway I-55 exit.

The signs required by this act shall be the same as those conventional made and used for directional signs on interstate highways.

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Rep. Dixon moved to amend Amendment No. 1 as follows:

**Amendment No. 1 to Amendment No. 1**

Amend Amendment No. 1 to House Bill No. 2040 by deleting the amendatory language designated as Section 1 and by substituting instead the following:

SECTION 1. Notwithstanding the provisions of Tennessee Code Annotated, Section 54-5-108, to the contrary, the commissioner of transportation is directed to appropriately erect signs indicating that Interstate Highway I-240 in Shelby County is the Martin Luther King Expressway. Such signs shall be erected in each direction at the Chelsea Avenue exit, the South Parkway exit, the Interstate Highway I-55 exit, the Watkins Avenue exit, the Hollywood Avenue exit, and the Wardford Avenue exit.

The signs required by this act shall be the same as those conventionally made and used for directional signs on interstate highways.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Rep. Robinson (Davidson) moved adoption of Amendment No. 1, as amended, which motion prevailed.

Thereupon, Rep. U. Jones (Shelby) moved that House Bill No. 2040, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

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### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to House Rule No. 31, I wish to express a desire to change my original stand from "No" to "Aye" on House Bill No. 1817 and have this statement entered in the Journal.

Rep. James M. Henry

### REGULAR CALENDAR, CONTINUED

**House Bill No. 1944** -- District Attorneys -- Creates additional assistant district attorney general position for nineteenth judicial circuit. Amends TCA, Title 16, Ch. 2, Pt. 5.

Rep. Davidson moved that House Bill No. 1944 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	94
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**\*House Joint Resolution 0489** -- Naming and Designating -- Designates bridges over Battle Creek as "Pat Layne Memorial Bridge".

Rep. Rhinehart moved that House Joint Resolution No. 489 be adopted, which motion prevailed by the following vote:

Ayes. ....	97
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head,

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Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 97.

A motion to reconsider was tabled.

**House Bill No. 2050** -- Utilities, Utility Districts -- Increases membership on NES board.

On motion, House Bill No. 2050 was made to conform with Senate Bill No. 2248.

On motion, **Senate Bill No. 2248**, on same subject, was substituted for House Bill No. 2050.

Rep. Ellis moved passage of Senate Bill No. 2248 on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	59
Noes. ....	27
Present and not voting. ....	10

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Collier, Crain, Cross, Curlee, Davidson, Davis (Gibson), DeBerry, DePriest, Dixon, Ellis, Gaia, Garrett, Head, Herron, Hillis, Hobbs, Holt, Ivy, Jackson, Jared, Jones, U. (Shelby), Kernell, King, Kisber, Long, Love, Miller, Moore (Lawrence), Naifeh, Napier, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Ussery, West, Wheeler, Winningham, Wix, Yelton, Mr. Speaker Murray -- 59.

Representatives voting no were: Bewley, Chiles, Coffey, Davis (Cocke), Davis (Knox), Drew, Duer, Frensey, Harrill, Hawkins, Henry, Holcomb, Hurley, Huskey, Kent, Lawson, May, McAfee, Moody, Peroulas, Robinson (Washington), Scruggs, Swann, Webb, Williams, Wolfe, Wood -- 27.

\* Representatives present and not voting were: Good, Hassell, Jones, R. (Shelby), Montgomery, Moore (Shelby), Nance, Severance, Stafford, Turner, L. (Shelby), Whitson -- 10.

A motion to reconsider was tabled.

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**\*Senate Joint Resolution 0318 -- Naming and Designating --** Designates bridge on old State Route 67 as "J. Frank 'Bob' Percy Memorial Bridge".

Rep. Hawkins moved that Senate Joint Resolution No. 318 be concurred in, which motion prevailed by the following vote:

Ayes.....	98
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

**\*Senate Bill No. 1724 -- Civil Procedure --** Allows defendant to request a civil case in general sessions court be removed to circuit court prior to judgment. Amends TCA, Title 19, Ch. 1, Pt. 1.

Further consideration of Senate Bill No. 1724, previously considered on March 10 and March 17, 1988. on March 10 Senate Bill No. 1724 was substituted for House Bill No. 1846.

Rep. Davis (Knox) moved that the Senate Bill No. 1724 be passed on third and final consideration.

Rep. Williams moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1724 by inserting the following as a new section immediately before the section establishing the effective date:

The provisions of this act shall not apply in any county having a population of not less than 770,000 nor more than 780,000 according to the federal census of 1980 or any subsequent federal census.

On motion, the amendment was adopted.

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Rep. Davis (Knox) moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1724 by deleting from the first sentence of the amendatory language of Section 1(a) the words and punctuation "At any time prior to the trial of a civil action commenced in general sessions court," and by substituting instead the words and punctuation "At any time at least three (3) or more business days prior to the scheduled trial date of a civil action commenced in general sessions court,".

On motion, the amendment was adopted.

Thereupon, Rep. Davis (Knox) moved that Senate Bill No. 1724, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	89
Noes. ....	0
Present and not voting. ....	7

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Collier, Copeland, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Hurley, Huskey, Ivy, Jared, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 89.

Representatives present and not voting were: Coffey, Crain, Holt, Jackson, Long, Nance, Wix -- 7.

A motion to reconsider was tabled.

**House Bill No. 1779 -- Loan Companies -- Enacts "Tennessee Pawnbrokers Act of 1988". Amends TCA, Title 45, Ch. 6.**

Rep. Rhinehart moved that House Bill No. 1779 be reset on the Calendar for Thursday, March 31, 1988, which motion prevailed.

**\*House Bill No. 1978 -- Hotels and Restaurants -- Authorizes commissioner to enter agreement with county health department to implement requirements of Hotel, Food Service and Swimming Pool Inspection Act of 1985.**

On motion, House Bill No. 1978 was made to conform with Senate Bill No. 2198.

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On motion, **Senate Bill No. 2198**, on same subject, was substituted for House Bill No. 1978.

Rep. Bragg moved passage of Senate Bill No. 2198 on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

**\*House Bill No. 1990** -- Revenue, Dept. of -- Allows commissioner to enter reciprocal agreements with other states to provide fuel use tax registration of certain vehicles. Amends TCA, Title 67, Ch. 3.

On motion, House Bill No. 1990 was made to conform with Senate Bill No. 2210.

On motion, **Senate Bill No. 2210**, on same subject, was substituted for House Bill No. 1990.

Rep. Bragg moved that Senate Bill No. 2210 be reset on the Calendar for Thursday, March 31, 1988, which motion prevailed.

Mr. Speaker Murray relinquished the Chair to Rep. Bivens as Speaker pro tem.

**\*House Bill No. 2249** -- Local Government -- Authorizes counties, municipalities and special school districts to pay up to 100 of the cost of insurance programs. Amends TCA 8-50-204, 8-50-304.

Rep. Bragg moved that House Bill No. 2249 be passed on third and final consideration, which motion prevailed by the following vote:

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Ayes. .... 98  
Noes. .... 0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensey, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

House Bill No. 1743 -- Local Government -- Authorizes local governments to contract debts for construction of wastewater facilities. Amends TCA 68-13-1005.

Rep. Bragg moved that House Bill No. 1743 be passed on third and final consideration.

Rep. Bragg moved to amend as follows:

Amendment No. 1

Amend House Bill No. 1743 by deleting Section 2 in its entirety and substituting instead the following:

Section 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, Rep. Bragg moved that House Bill No. 1743, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. .... 93  
Noes. .... 0

Representatives voting aye were: Bell, Bivens, Bragg, Buck, Burnett, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis,

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Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 1954 -- Cooperatives -- Enacts "Rural Electric and Community Services Cooperative Act". Amends TCA, Title 65, Ch. 25. Repeals TCA, Title 65, Ch. 24.**

On motion, House Bill No. 1954 was made to conform with Senate Bill No. 1915.

On motion, **Senate Bill No. 1915**, on same subject, was substituted for House Bill No. 1954.

Rep. Tanner moved that the Senate Bill No. 1915 be passed on third and final consideration.

Rep. Tanner moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1915 by deleting the period (.) at the end of the amendatory Section 65-25-126 as amended within Section 2 and by adding thereto the following:

; nor shall this chapter be construed to affect or restrict the services or activities provided or performed by a microwave system authorized and licensed by the Federal Communications Commission on the effective date of this act.

**AND FURTHER AMEND** by deleting entirely the amendatory Section 65-25-128 as amended within Section 2 and substituting instead the following:

65-25-128. The provisions of this act shall not be construed to authorize any existing electric cooperative to provide or perform services or activities in any geographic area in the state where such services or activities are currently being provided or performed by a wireless cable (microwave) system authorized and licensed by the Federal Communications Commission as a multi-channel and/or multipoint distribution system (MDS) on the effective date of this act.

On motion, the amendment was adopted.

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Thereupon, Rep. Tanner moved that Senate Bill No. 1915, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 96.

A motion to reconsider was tabled.

### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to **House Rule No. 31**, I wish to express a desire to change my original stand from not voting to "Aye" on House Bill No. 1743, as amended, and have this statement entered in the Journal.

Rep. Bill Purcell

### REGULAR CALENDAR, CONTINUED

**House Bill No. 1864** -- Aircraft and Airports -- Expands airport authority board of Knoxville airport. Amends TCA, Title 42, Ch. 4.

Rep. Miller moved that House Bill No. 1864 be passed on third and final consideration.

Mr. Speaker Murray resumed the Chair.

Rep. Miller moved to amend as follows:

#### Amendment No. 1

Amend House Bill No. 1864 by deleting in its entirety the amendatory language of Section 1, and by substituting instead the following language:

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(C) The governing body of the authority of an airport, which has regularly scheduled commercial passenger service, located in a county other than the county where the creating municipality is located shall be a board of commissioners of nine (9) persons who shall have no financial interest in an airport or its concessions, to be appointed by the executive officer of the creating municipality and approved by its governing body, at least six (6) of whom shall be residents of the creating municipality, and three (3) of whom shall be residents outside of the creating municipality, provided that at least one (1) is a resident in the county in which such airport is located.

AND FURTHER AMEND by adding the following new section to immediately precede the effective date section:

Section \_\_. Nothing in the provisions of this act shall be construed to have the effect of abridging the term for which any public officer was selected.

On motion, the amendment was adopted.

Thereupon, Rep. Miller moved that House Bill No. 1864, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes.....	0
Present and not voting.....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Nance, Swann -- 2.

• A motion to reconsider was tabled.

**House Bill No. 2110 -- County Government -- Creates financial incentive to counties which affirmatively pursue illegal drug trafficking.**

Rep. Miller moved that House Bill No. 2110 be passed on third and final consideration.

Rep. Miller moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 2110 by deleting in their entirety Sections 4, 5, 6, and 7, and by substituting instead the following language:

SECTION 4. (a) There is created an ad hoc committee in each county to be composed of the superintendent of schools or his designee, the sheriff or his designee, and an Alliance member for a Drug Free Tennessee established in the county to be appointed by the executive officer of the county. Such committee shall be formed in each county upon the enactment of a resolution of the county legislative body for such purpose. The committee shall administer and implement the provisions of this act in the county following its formation as provided herein.

(b) The committee shall at least semi-annually review the record of prosecutions and convictions of illegal drug trafficking in its county submitted pursuant to Section 3. Data shall be compiled to determine whether such county is following a pattern of aggressive affirmative action to eliminate illegal drug trafficking from within its jurisdictional boundaries. The committee shall consider the numbers and types of convictions for those violations of "The Tennessee Drug Control Act" as provided in Tennessee Code Annotated, Section 39-6-417(c), or for prosecutions under Title 39, Chapter 1, Part 10. Aggressive affirmative action shall be based on a percentage increase in convictions in each fiscal year over the previous year's convictions with the base year being the fiscal year ending June 30, 1989. The committee shall determine by rule what percentage increase shall be sufficient to establish whether a county is aggressively pursuing illegal drug trafficking.

(c) During such review a report shall be submitted by the sheriff of the amount of goods seized and forfeited pursuant to the provisions of Tennessee Code Annotated, Section 39-6-420(b) during the previous six-month period.

(d) The committee shall consider all the data presented for its consideration, and having made a determination that financial incentives are appropriate for the period under consideration shall with the approval of the sheriff determine what percentage of the amount of goods seized and forfeited shall be made available to its county school system for drug education and prevention programs. Such funds shall be made available subject to matching funds from private contributions. Additional funds may be made available from county or state appropriations or federal funds available for such purposes.

SECTION 5. A special fund shall be established in the county general fund to be designated as "county bounty funds". All funds allocated, appropriated, or collected under the provisions of this act shall be deposited to this account. The financial incentives shall be distributed annually to the county school board for drug education and prevention programs.

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SECTION 6. Each participating county shall by January 15 of each year send to the comptroller and the speakers of each house the results of its determinations, together with the amount of financial incentives pursuant to Section 4(d) of this act. The comptroller shall compile the data contained in the information he receives and report the results of his findings to the state and local government committees of each house detailing the affirmative actions taken in those participating counties to aggressively pursue illegal drug trafficking.

A special fund shall be established in the state general fund to be designated as "county bounty funds". Amounts specifically appropriated each year in the general appropriations act for the purposes of this act shall be deposited to this account. The funds shall be available to the school systems of participating counties for drug education and prevention programs.

From the funds appropriated, amounts shall be distributed on an annual basis to the school systems of participating counties in pro-rata amounts which reflect the ratio of the aggressiveness to pursue illegal drug trafficking in a specific county to all other participating counties according to the determination of and as reported to the general assembly by the comptroller.

SECTION 7. For purposes of establishing the committees and implementing the administrative provisions of this act, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 1989.

On motion, the amendment was adopted.

Thereupon, Rep. Miller moved that House Bill No. 2110, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes.....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 98.

A motion to reconsider was tabled.

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**House Bill No. 1943** -- Water Pollution -- Revises provisions relative to the administrative assessment of certain penalties. Amends TCA, Title 69, Ch. 3.

On motion, House Bill No. 1943 was made to conform with Senate Bill No. 1728.

On motion, **Senate Bill No. 1728**, on same subject, was substituted for House Bill No. 1943.

Rep. Crain moved that the Senate Bill No. 1728 be passed on third and final consideration.

Rep. Crain moved to amend as follows:

**Amendment No. 1**

Amend Senate Bill No. 1728 by adding the following after Section 1 and by renumbering the subsequent existing Sections accordingly:

Section 2. Tennessee Code Annotated, Section 69-3-103, is amended by adding a new appropriately numbered subsection as follows:

( ) "Variance" means an authorization issued to a person by the commissioner which would allow that person to cause a water quality standard to be exceeded for a limited time period without changing the standard.

Section 3. Tennessee Code Annotated, Section 69-3-108, is amended by adding a new subsection (f) as follows and by redesignating the existing subsections accordingly:

(f) Notwithstanding the provisions of subsections (e), upon application by a person who discharges into groundwaters of the state and is subject to a permit issued pursuant to the "Hazardous Waste Management Act", Tennessee Code Annotated, Section 68-46-101 et seq., the commissioner may issue variances from the applicable water quality standards, criteria, or classification for groundwater provided that:

(1) The waters to which the variance applies are not used as a current source of drinking water and such use is not reasonably anticipated for the term of the variance and a reasonable time thereafter; and

(2) The applicant demonstrates such discharges will not pose a substantial present or potential hazard to human health or the environment as defined in Tennessee Rule 1200-1-11-.06(6)(e)2 in effect on April 1, 1988, and will not impair any actual, current uses other than those affected by the variance; and

(3) Variances will be effective for a specific term not to exceed the effective term of the permit; and

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(4) The variance is consistent with the "Federal Water Pollution Control Act" and the "Federal Safe Drinking Water Act"; and

(5) The variance provided for under this subsection shall be applied for and issued in accordance with procedures regarding the issuance of permits as required by regulations issued under this act.

Section 4. Tennessee Code Annotated, Section 69-3-105(i), is hereby amended by inserting the words "or variances" between the words "permits" and "by the commissioner".

Section 5. Tennessee Code Annotated, Section 69-3-107(14), is hereby amended by inserting the words "and variances" between the words "permits" and "pursuant".

On motion, the amendment was adopted.

Rep. Crain moved to amend as follows:

**Amendment No. 2**

Amend Senate Bill No. 1728 by inserting the following language as new appropriately numbered sections immediately proceeding the effective date Section and by renumbering such section accordingly:

SECTION ( ). Tennessee Code Annotated, Section 69-3-103 is amended by adding a new appropriately numbered subsection as follows:

"( ) 'Variance' means an authorization issued to a person by the commissioner which would allow that person to cause a water quality standard to be exceeded for a limited period without changing the standard."

SECTION ( ). Tennessee Code Annotated, Section 69-3-108 is amended by adding a new subsection ( ) as follows and by redesignating the existing subsections accordingly:

Notwithstanding the provisions of subsection (e), where a schedule of compliance is not allowable under state or federal law, upon application by a person who causes their wastewater discharge to enter waters of the state on the effective date of this act pursuant to an NPDES permit, the commissioner may issue permits or other authorizations that include variances from the applicable water quality standards provided that:

1. Standards protecting public health will not be affected; and,
2. Variances will be effective for a specific term not to exceed five years; and
3. The variance is consistent with the "Federal Water Pollution Control Act" as amended; and,

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4. Pollution in existence on July 1, 1977, will be substantially abated by the terms and conditions of the variance; and,

5. The variance shall be applied for and issued in accordance with procedures regarding the issuance of permits as required by regulations under this Act.

SECTION ( ). Tennessee Code Annotated, Section 69-3-105(i) is hereby amended by inserting the words "or variances" between the words "permits" and "by the commissioner".

SECTION ( ). Tennessee Code Annotated, Section 69-3-107(14) is hereby amended by inserting the words "and variances" between the words "permits" and "pursuant".

On motion, the amendment was adopted.

Thereupon, Rep. Crain moved that Senate Bill No. 1728, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. ....	95
Noes. ....	1

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representative voting no was: Davis (Knox) -- 1.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

**House Resolution No. 0108** -- Memorials, Personal Achievement -- Honors talented young model Kristian Marie Farrell.

**House Joint Resolution 0623** -- Memorials, Professional Achievement -- Honors Roger Radel, recipient of Torch Bearer's Award.

**House Joint Resolution 0624** -- Memorials, Personal Achievement -- Honors Stephanie Clark for outstanding achievement.

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**House Joint Resolution 0626** -- Memorials, Public Service -- Honors Eddie Pen for outstanding contributions to Tennessee economy.

**House Joint Resolution 0629** -- Memorials, Sports -- Honors Coach Alvin Taylor and Gibbs High School baseball team on outstanding season.

**Senate Joint Resolution 0392** -- Memorials, Sports -- Honors Tennessee Sports Hall of Fame 1988 honorees.

**Senate Joint Resolution 0396** -- Memorials, Personal Achievement -- Congratulates David Gladson for winning flag design contest.

**Senate Joint Resolution 0398** -- Memorials, Professional Achievement -- Honors Hugh "Hicks" Horne on career as projectionist.

**Senate Joint Resolution 0404** -- Memorials, Condolence -- Honors memory of Mabel Linville Akers.

Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, and that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. ....	96
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

• A motion to reconsider was tabled.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 1438 -- Workers' Compensation --** Revises provisions relative to denial of claims of workers' compensation benefits. Amends TCA, Title 50, Ch. 6.

**Senate Amendment No. 1**

Amend House Bill No. 1438 by deleting the amendatory language of Section 2 and substituting instead the following:

If an employer wrongfully fails to pay an employee's claim for temporary total disability payments, the employer shall be liable, in the discretion of the court, to pay the employee, in addition to the amount due for temporary total disability payments, a sum not exceeding twenty-five percent (25%) of such temporary total disability claim, provided that it is made to appear to the court that the refusal to pay such claim was not in good faith and that such failure to pay inflicted additional expense, loss or injury upon the employee and provided further, that such additional liability shall be measured by the additional expense thus entailed.

Rep. Buck moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes. ....	93
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

A motion to reconsider was tabled.

**House Bill No. 1859 -- Dentists --** Revises provisions concerning licensing of and practice of dentistry. Amends TCA 63-5-105, 108--110, 112--115, 124.

**Senate Amendment No. 1**

Amend House Bill No. 1859 by striking Section 19 and renumbering accordingly.

Rep. Scruggs moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes. ....	95
Noes. ....	0
Present and not voting. ....	2

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

Representatives present and not voting were: Kernell, Nance -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 2273 -- Education --** Revises powers and duties of local boards of education. Amends TCA 49-2-203.

### **Senate Amendment No. 1**

Amend House Bill No. 2273 by adding to the amendatory language of Section 1 the following new words:

provided, however, that the vendors on such list are given notice to bid; and provided further, that such purchasing division shall periodically advertise in a newspaper of general circulation in the county for vendors and shall update the list of vendors following such advertisement;

Rep. Moore (Shelby) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes. ....	96
Noes. ....	0

Representatives voting aye were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon,

Drew, Duer, Ellis, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Tanner, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

## UNFINISHED BUSINESS

### RULES SUSPENDED

Rep. Stallings moved that the rules be suspended for the purpose of introducing Senate Joint Resolution 370 out of order, which motion prevailed.

**\*Senate Joint Resolution 0370** -- Memorials, Government Officials -- Requests recommendations on restructuring Department of Health and Environment.

Rep. Stallings moved to suspend the rules to hold the resolution on the Clerk's desk until Monday, March 28, 1988.

Rep. Stallings withdrew his motion to suspend the rules and moved instead that Senate Joint Resolution No. 370 be referred to the General Welfare Committee, which motion prevailed.

### RULES SUSPENDED

Rep. Coffey moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 646 out of order, which motion prevailed.

**House Joint Resolution 0646** -- Memorials, Sports -- Honors Coach Jill Prudden and Oak Ridge High School girls' basketball team on winning TSSAA AAA state championship. by \*Coffey.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Coffey, the resolution was adopted.

A motion to reconsider was tabled.

## NOTICE TO ACT ON SENATE AMENDMENTS

Pursuant to **Rule No. 59**, the sponsor gave notice of intent to consider the following measure from the Senate on Monday, March 28, 1988:

House Bill No. 1966 -- Rep. Bragg

House Bill No. 2241 -- Rep. Head

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**RULES SUSPENDED**

Rep. Stallings moved to suspend **Rule No. 81-1** to place Senate Joint Resolution No. 370 on General Welfare Committee agenda for Wednesday, March 30, 1988, which motion prevailed.

**NOTICE**

Pursuant to **Rule No. 78**, Rep. Williams gave notice of her intent to recall House Bill No. 2476, a late bill, from the General Welfare Committee to the floor of the House on Monday, March 28, 1988.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No 15: Rep. B. Turner (Hamilton) added as a prime sponsor.

House Bill No. 1086: Rep. B. Turner (Hamilton) added as a prime sponsor.

House Bill No. 1453: Rep. Wood added as a prime sponsor.

House Bill No. 1673: Rep. B. Turner (Hamilton) added as a prime sponsor.

House Bill No. 1703: Rep. B. Turner (Hamilton) added as a prime sponsor.

House Bill No. 1837: Rep. Herron added as a prime sponsor.

House Bill No. 1954: Reps. Hurley and Hawkins added as prime sponsors.

House Bill No. 2040: Rep. Kernell added as a prime sponsor.

House Bill No. 2340: Rep. B. Turner (Hamilton) added as a prime sponsor.

House Bill No. 2342: Rep. B. Turner (Hamilton) added as a prime sponsor.

• House Bill No. 2346: Rep. B. Turner (Hamilton) added as a prime sponsor.

**INTRODUCTION OF RESOLUTIONS**

**House Resolution No. 0109** -- General Assembly, Studies -- Creates committee to study odometer tampering. by \*Ridgeway, \*Head, \*Davis R E.

The Speaker referred House Resolution No. 109 to the Transportation Committee.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**House Joint Resolution 0630** -- Memorials, Congress -- Urges Tennessee Congressional Delegation to support Medicaid, Home, and Community Quality Services Act of 1987. by \*Clark.

The Speaker referred House Joint Resolution No. 630 to the Calendar and Rules Committee.

**House Joint Resolution 0631** -- Memorials, Personal Achievement -- Honors Leslie Anne Sutton on being chosen First Runner-up in the High School Category of the Poster-Graphics contest. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 631 to the Calendar and Rules Committee.

**House Joint Resolution 0632** -- Memorials, Congratulations -- Honors Linda Auxier for being named first runner up in the college category poster graphics contest. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 632 to the Calendar and Rules Committee.

**House Joint Resolution 0633** -- Memorials, Congratulations -- Honors Judy Wilson Neighbors for being named second runner in the college category poster graphics contest. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 633 to the Calendar and Rules Committee.

**House Joint Resolution 0634** -- Memorials, Personal Achievement -- Honors Ed Beach as first runner-up for Governor's Trophy for outstanding handicapped citizen of the year. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 634 to the Calendar and Rules Committee.

**House Joint Resolution 0635** -- Memorials, Personal Achievement -- Honors Terrie Pooser on being chosen Second Runner-up in the High School Category of the Poster-Graphics contest. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

\* The Speaker referred House Joint Resolution No. 635 to the Calendar and Rules Committee.

**House Joint Resolution 0636** -- Memorials, Congratulations -- Honors Bruce R. Higgenbotham for winning first place in the college category poster graphics contest. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 636 to the Calendar and Rules Committee.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**House Joint Resolution 0637** -- Memorials, Public Service -- Commends Orange Grove Center as winner of Governor's Large Employer of the Year Award". by \*Turner B, \*McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 637 to the Calendar and Rules Committee.

**House Joint Resolution 0638** -- Memorials, Personal Achievement -- Honors Kelly Leigh Sutton on being chosen First Place Winner in the High School Category of the Poster-Graphics contest. by \*Turner B, McAfee, Copeland, Wood, Robinson C B, Starnes.

The Speaker referred House Joint Resolution No. 638 to the Calendar and Rules Committee.

**House Joint Resolution 0639** -- General Assembly, Studies -- Continues Special Joint Committee on the Need for Aid to the Handicapped initiated by HJR 256. by \*Turner B, \*Yelton, \*Bell, Starnes, Davis R E.

The Speaker referred House Joint Resolution No. 639 to the General Welfare Committee.

**House Joint Resolution 0640** -- Memorials, Public Service -- Honors William E. Horton on receipt of John E. Fogarty Public Personnel Award. by \*Turner B, DeBerry.

The Speaker referred House Joint Resolution No. 640 to the Calendar and Rules Committee.

**House Joint Resolution 0641** -- Memorials, Personal Achievement -- Honors William R. Gillespie on receipt of Governor's Trophy for Outstanding Handicapped Citizen of the Year. by \*Turner B, DeBerry.

The Speaker referred House Joint Resolution No. 641 to the Calendar and Rules Committee.

**House Joint Resolution 0642** -- Memorials, Professional Achievement -- Honors Wayne Neal, winner of Governor's Committee on Employment of Handicapped Journalism contest. by \*Turner B, Duer, Hillis.

The Speaker referred House Joint Resolution No. 642 to the Calendar and Rules Committee.

**House Joint Resolution 0643** -- Memorials, Congratulations -- Commends Connie Edgar for her essay entered in the Tennessee Governor's Committee on Handicapped Employment Journalism Contest. by \*Turner B, \*Odum, \*Bushing, \*Clark, Purcell.

The Speaker referred House Joint Resolution No. 643 to the Calendar and Rules Committee.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**House Joint Resolution 0644** -- Memorials, Public Service -- Honors Richard H. Nuber of Hyde Insurance Agency in Memphis on receipt of Governor's Committee on Employment of Handicapped's Small Employer of the Year Award. by \*Turner B, DeBerry, Turner L, Jones R.

The Speaker referred House Joint Resolution No. 644 to the Calendar and Rules Committee.

**House Joint Resolution 0645** -- Memorials, Government Officials -- Requires juvenile family court judges to appoint minority and foster parent representatives to foster care review boards. by \*Bushing, \*Pruitt, Dixon, Purcell.

The Speaker referred House Joint Resolution No. 645 to the General Welfare Committee.

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

**Senate Joint Resolution 0408** -- Memorials, Recognition and Thanks -- Commends Tony Cates, 1988 intern.

The Speaker referred Senate Joint Resolution No. 408 to the Calendar and Rules Committee.

**Senate Joint Resolution 0409** -- Memorials, Recognition and Thanks -- Commends Richard Sprouse 1988 legislative intern.

The Speaker referred Senate Joint Resolution No. 409 to the Calendar and Rules Committee.

**Senate Joint Resolution 0410** -- Memorials, Recognition and Thanks -- Commends Lonna Kilgore, 1988 Senate page.

The Speaker referred Senate Joint Resolution No. 410 to the Calendar and Rules Committee.

**Senate Joint Resolution 0416** -- Memorials, Public Service -- Honors David Crockett Post 1618 of VFW on fiftieth anniversary.

The Speaker referred Senate Joint Resolution No. 416 to the Calendar and Rules Committee.

**INTRODUCTION OF BILLS**

**House Bill No. 2482** -- Corporations, Not for Profit -- Authorizes immunity for certain actions by directors of certain nonprofit corporations. Amends TCA, Title 48, Ch. 58, Pt. 6. by \*Ussery.

Passed first consideration.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**House Bill No. 2483** -- Bolivar -- Changes date for city elections. Amends Chapter 142, Private Acts of 1953, as amended. by \*Stallings.

Passed first consideration.

**House Bill No. 2484** -- Highways, Roads and Bridges -- Requires certain state properties be conveyed to Metropolitan Nashville to widen Stewarts Ferry Pike. Amends TCA, Titles 33, 49. by \*West.

Passed first consideration.

**House Bill No. 2485** -- Humboldt -- Permits non residents to vote in municipal elections under certain conditions. Amends Chapter 77, Private Acts of 1913, as amended. by \*Davis Ray.

Passed first consideration.

**\*House Bill No. 2486** -- Hamilton County -- Places election for superintendent of public instruction in conformity with general law. Amends Chapter 332, Private Acts of 1943. by \*Starnes.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

**\*Senate Bill No. 1748** -- Motor Vehicles, Titling and Registration -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1662.

**Senate Bill No. 1929** -- Drugs -- Held on the Clerk's desk pending third consideration of the Companion House Bill No. 1663.

**HOUSE BILLS ON SECOND CONSIDERATION**

**House Bill No. 2478** -- Taxes, Hotel Motel -- Passed second consideration and held on the Clerk's desk.

**\*House Bill No. 2479** -- Child Abuse -- Passed second consideration and referred to the Judiciary Committee.

**House Bill No. 2480** -- Cookeville -- Passed second consideration and held on the Clerk's desk.

**House Bill No. 2481** -- Nuclear Materials, Transportation and Safety -- Passed second consideration and referred to the Conservation and Environment Committee.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**REPORT OF CHIEF ENGROSSING CLERK**

MR SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bills Nos. 1543, 1741, 1766, 1813, 1976, 2150, 2203 and 2428; and House Joint Resolutions Nos. 426, 585, 586, 588, 590, 591, 592, 603 and 610; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos. 405, 407 and 412 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 601 and 602; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 1736 and 2422; substituted for Senate Bills on same subjects and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 621; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Joint Resolution No. 621.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No. 621; signed by the Speaker.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution No. 621; for his action.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**MR. SPEAKER:**

I am directed by the Governor to return herewith: House Bills Nos. 1017, 1482, 1535, 1561, 1717, 1742, 1752, 2298, 2362 and 2427; House Joint Resolutions Nos. 579, 580 and 582, with his approval.

**DAVID H. WELLES,**  
Counsel to the Governor.

**ENGROSSED BILLS**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1453, 1553, 1817, 1944, 2040 and 2332; House Joint Resolution No. 489; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 2458 and 2474; substituted for Senate Bills on same subjects and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**ENGROSSED BILLS**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1743; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bills Nos. 954, 1353, 1416, 1453, 1483, 1484, 1498, 1606, 2146, 2180, 2181, 2187, 2191 and 2239; Senate Joint Resolutions Nos. 400, 401, 402, 405, 407 and 412.

**ENGROSSED BILLS**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1864, 2110, 2183 and 2249; and House Joint Resolutions Nos. 623, 624, 626, 629 and 646 and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,**  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 1483; substituted for Senate Bill on same subject, amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos. 1330, 1379, 2437, 2438, 2461, 2462, 2466, 2468, 2470 and 2472; substituted for Senate Bills on same subjects and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**THURSDAY, MARCH 24, 1988 -- SEVENTY-FOURTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos. 1647, 1754, 1772, 1807, 2126, 2202, 2290 and 2426, all passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,**  
Chief Clerk.

**\*Senate Bill No. 1647 -- Firearms and Ammunition -- Prohibits carrying loaded rifle in passenger area of motor vehicle. Amends TCA, Title 39, Ch. 6.**

**Senate Bill No. 1754 -- Public Service Commission -- Vests public service commission officer with power to arrest certain violators; authorizes fines and forfeitures from such arrests to be credited to commission's motor vehicle account. Amends TCA, Title 39, Ch. 6, Pt. 4; Title 55, Ch. 10, Pt. 4, 65-15-106.**

**\*Senate Bill No. 1772 -- Motor Vehicles, Titling and Registration -- Provides special registration plates for firefighters. Amends TCA, Title 55, Ch. 4.**

**\*Senate Bill No. 1807 -- Mental Health and Mental Retardation, Dept. of -- Authorizes department to establish program to reimburse licensed supportive living facilities for mentally ill. Amends TCA, Title 12, Ch. 4.**

**\*Senate Bill No. 2126 -- Veterans -- Authorizes special memorial license plate. Amends TCA, Title 55, Ch. 4.**

**Senate Bill No. 2202 -- Mental Illness -- Changes certain definitions and requirements relative to treatment of mentally ill, mentally retarded and substance abuse persons. Amends TCA, Title 33.**

**\*Senate Bill No. 2290 -- Aged Persons -- Expands certain pilot projects to reimburse certain residential homes for aged. Amends TCA 12-4-320.**

**Senate Bill No. 2426 -- Teachers -- Revises evaluation method under career ladder. Amends TCA, Title 49, Ch. 5, Pts. 50--55.**

**ENGROSSED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 2033; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill No. 1805 for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENROLLED BILLS**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 1330, 1379, 1438, 1736, 1859, 1866, 2273, 2422, 2437, 2438, 2458, 2461, 2462, 2466, 2468, 2470, 2472 and 2474; House Resolution No. 108; House Joint Resolutions Nos. 601 and 602; and find same correctly enrolled and ready for the signature(s) of the Speaker(s).

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 621; with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR**

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Monday March 28, 1988: House Joint Resolutions Nos. 453, 630, 631, 632, 633, 634, 635, 637, 638, 639, 640, 641, 642, 643, 644; and Senate Joint Resolutions Nos. 408, 409, 410 and 416.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Thursday, March 31, 1988: House Bills Nos. 1780, 2336, 2001, 2396, 1832, 2425; Senate Bill No. 1409; House Bills Nos. 1428, 1602, House Joint Resolution No. 562; House Bills Nos. 1783, 1515, 1510, 1782, 2053, 1779; and Senate Bill No. 2210.

PHILLIPS, Chairman.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Monday, April 4, 1988: House Bills Nos. 2009, 2010, 2011, 2251, 1704, 1873, 2112, 2070, 2069, 602 and 2339.

PHILLIPS, Chairman.

ROLL CALL

The roll call was taken with the following results:

Present ..... 96

Representatives present were: Bell, Bewley, Bivens, Bragg, Buck, Burnett, Bushing, Byrd, Cain, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Drew, Duer, Ellis, Frensley, Gaia, Garrett, Good, Harrill, Hassell, Hawkins, Head, Henry, Herron, Hillis, Hobbs, Holcomb, Holt, Hurley, Huskey, Ivy, Jackson, Jared, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Lawson, Long, Love, May, McAfee, Miller, Montgomery, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Nance, Napier, Odom, Peroulas, Phillips, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stafford, Stallings, Starnes, Swann, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Webb, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

\*On motion of Rep. Naifeh, the House adjourned until 5:00 P.M. Monday, March 28, 1988.